Supreme Court, U.S.
FILED
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No. 08 - 1686

In The
SUPREME COURT OF THE UNITED STATES

ANTHONY A. DEGENES, Pro Se,

Petitioner

v.

TIM MURPHY, United States Congressman

Respondent

On Petition For Writ Of Certiorari
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Anthony A. DeGenes
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QUESTIONS PRESENTED FOR REVIEW

Question #1

First Amendment. Corpus Juris Secundum, 16B, Constitutional Law 789-1328 West & Thomson, Page, Section 797:

RIGHT TO LISTEN AND RECEIVE INFORMATION: "The freedom of speech and the press includes the right of access to information and ideas."

My question to the Court is this: If the statute that I present to the Court has no significance, as pointed out by Honorable K. A. Jordan, Court of Appeals, Third Circuit, than why is the statue even permitted to exist?

I feel the statute gives me hope that I do have some rights provided by the First Amendment. However, if this statute serves no other purpose, other than to create a veil of false hope, then this statute should be taken out of the Bill Of Rights because it serves no real purpose. Why is it even there?

Question#2

HONORABLE NORA BARRY FISCHER, For The Western District Court, Pittsburgh, Pennsylvania:

EXHIBIT#6:

Exhibit #6 shows that Mr. Baxter, an aide to Congressman Murphy, did contact me.

I would like the Court to go over Exhibit #6. Mr. Baxter did contact me. However, this contact was to start helping me to prepare my format for the proposed legislation that I was requesting Congressman Murphy look at and consider. Mr. Baxter told me that he would guide me in saying exactly what I wanted my proposed legislation to say.

My legislation was never given a chance. I want to know why?

Question #3

HONORABLE N. B. FISCHER's Memorandum Opinion:

Footnote #9, points out that I didn't cite any statue to my claim that Congressman Murphy

overstepped his bounds and denied me my rights concerning the Speech and/or Debate Clause.

Justice DOUGLAS, Dissenting:

Eastland v. United Servicemen's Fund, No. 73-1923

Argued Jan. 22, 1975, Decided May 27, 1975.

Justice Douglas states that Congress can pass no law that would deny me my rights.

If the Speech or Debate Clause is permitted to prevail, then where are these rights?

Question #4

SPEECH OR DEBATE CLAUSE: Law Encyclopedia, www.answer.com/topic/overbreadth

Speech and/or Debate Clause gives the official representative the right to immunity. It also points out that no official representative has a right to abridge or deny any citizen their right to have a say in their government. If the Law Encyclopedia doesn't hold any weight, then why is it permitted to even exist?

Question #5

STANDING IN THIS COURT:

Raissa Clarkson, Plaintiff v. Town of Florence, Defendant, District Of Wisconsin:
Decided on May 2, 2002,
HONORABLE LYNN ADELMAN,
District Court:

Procedural Posture. Section 42 U.S.C.S Section 1083.

"It is not necessary to prove the existence of a large damage claim in order to have standing.

The very fact that I can't receive an answer regarding my proposed legislation tells me that the injuries that I have sustained equate to the denial of my Constitutional Right to have a say in the government. Why?

Question #6

Davis v. Schnell, 81 F. Supp. 872, 1949
U.S. Dist. LEXIS 1763 (D. ala. 1949)

The essence of the case points to the fact that no local, state or federal body can deny an individual their constitutional right to participate in the say of their government.

I'm exercising my constitutional rights to have a say in my government. Why am I being denied that right?

Question #7
Terry v. Adams, 345 U.S. 461, 73 S. Ct. 809, 97 L. Ed. 1152, 1953 U.S. LEXIS 2603 (1953)

The Constitutional Rights of the individual prevailed. This case was also decided on its worth and not on race, color or religion.

I want to know why I am being denied my Constitutional Rights?

LIST OF PARTIES

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KERRY W. KIRCHER
COUNSEL FOR DEFENDANT
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Memorandum Opinion of Judge Nora Barry Fischer for United States District Court for the Western District of Pennsylvania, Case No. 07-1370, Anthony A. DeGenes vs. Tim Murphy, U.S. Congressman, Dated February 15, 2008

JURISDICTION

The jurisdiction of this court is invoked under Article III of the Constitution and 42 U.S.C.A. §1983.

CONSTITUTIONAL AND STATUTORY PROVISIONS

U.S. Constitution, First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a

redress of grievances.

U.S. Constitution, Fourteenth Amendment

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF CASE

In Exhibit #1, I go into more detail about how my lawsuit came about. However I want to keep this in synopsis form.

I had worked at the Duquesne Club for ten years. I also worked at Pruett Schaffer Chemical plant at the same time.

I left the Duquesne Club because I was working seven days a week. Five days at Pruett Schaffer and the weekends at the club.

I was promised a job at Laidlaw Bus

Company. When I went to start work, the very person who told me that I had the job wouldn't see me. This pattern happened on several other jobs that I was promised.

I decided to get an attorney to look into what was going on. It took seven years before I could get an attorney. During the course of those seven years I contacted attorneys who initially were willing to take my case but after telling me what they would charge me, they either called me back and said they didn't want to represent me or else they would simply disappear. I could never get back in touch with them.

Attorney Robin Grassel took my case. She did a Child Abuse Clearance Check and the Freedom Of Information Act. Both came back clear. However, there were several individuals that I wanted her to contact to find out if anybody ever contacted them concerning me.

I brought Attorney Grassel before Judge Livingston Johnson in Common Pleas Court. Judge Johnson stated my case was to go to the Bar Association. I did that and the Bar awarded me a monetary award.

I decided then that if the Bar Association had authority of an attorneys actions, then why not contact my congressman and propose legislation that would permit the Bar to complete an investigation for those individuals who find themselves in a

dilemma like myself, whereby they can't get anattorney who would be willing to take a case in midstream.

My legislation would permit the Bar to call those individuals and if there was no response, then send a letter to them. If there was still no response, the Bar would send me a letter stating, in effect, that they did all they could and nothing else could be done.

Congressman Murphy's office welcomed the idea of my legislation but never did contact me as to whether or not my legislation had any worth.

By not receiving a response from my congressman, I felt I was and still am being denied my constitutional rights to take part in the workings of government.

ARGUMENT

REASONS FOR GRANTING THE WRIT

Section 797: Right To Listen and Receive Information. "The freedom of speech and the press includes the right of access to information and ideas."

"The First Amendment protects not just the speech itself, but the entire process of communication, including the exchange of ideas and information between speaker and listener. The guaranty embraces a right of the public to have access to ideas and experiences, and protects the interests of society as a whole, as well as those of the speaker and his or her audiences. The freedom of speech and press includes some freedom to listen, to hear, and to receive information and ideas, regardless of the social worth of the information or ideas.

The First Amendment prohibits the government from limiting the stock of information available to members of the public. Moreover, the government may not generally restrict individuals from disclosing information that lawfully comes into their hands, **in the absence of a state interest of the higest order."**

351 Federal Supplement, Bowie v. Williams, Civ. A. No. 72 - 1605, Page 628, No. 2, United States Key 22, "it is part of a congressman's responsibility to those he represents to keep them informed."

To answer Counselor Geraldine R. Gennet, General Counsel & Kerry W. Kircher, Deputy General Counsel, representing Congressman Tim Murphy, regarding their argument. The injuries I

am suffering are as follows: **I'm being denied my Constitutional Rights provided to me by the First Amendemnt.**

The fact that Congressman Murphy feels that the legislation I proposed isn't worthy of his concern, does not lessen my right to be heard.

I'm not demanding the Congressman present my legislation to the United States Congress. I'm simply asking him to respond to me.

If I'm refused a reply, then this would permit the Congressman to answer only those to whom he wishes to answer and to discriminate against me and anybody he feels he wants to ignore.

Also, I'm suffering those damages incurred by me to file this lawsuit against Congressman Murphy.

Immunity:

1. Sovereign Immunity

Bradley v. Fisher, 13 Wall 335. "The ultimate irony of today's decision is that in the area of common law official immunity, a body of law fashioned and applied by judges, absolute immunity

with the federal system is extended only to judges and prosecutors functioning in the judicial system." Congressman Murphy does not have Sovereign Immunity.

The Government places principal reliance on Barr v. Matteo, 360 U.S. 564, 79 S.Ct. 1335, 3 L. Ed.2d 1434 (1959) "In that case, the director of an agency had been sued for malicious defamation by two employees whose suspension for misconduct had been announced in a press release. The defendant claimed an absolute or qualified privilege, but the trial court rejected both and the jury returned a verdict for the plaintiff."

I can understand Congressman Murphy's position in deciding that he chooses not to present my legislation.

However, I can't understand why he won't even let me know why he feels that way. If he feels his position permits him to simply ignore me, then I have no rights at all.

2. Qualified Immunity:

Corpus Juris Secundum 16B Constitutional Law, 789 - 1327, West & Thomson, Page 29. First Amendment. "The freedom of speech and the press includes the right of access to information and

ideas. The First Amendment protects not just speech itself, but the entire process of communication, including the exchange of ideas and information between speaker and listener. The guaranty embraces a right of the public to have access to ideas and experiences, and protects the interest of society as a whole, as well as those of the speaker and his or her audiences. The freedom of speech and press includes some freedom to listen, to hear, and to receive information and ideas, regardless of the social worth of the information or ideas."

United States Congress - Wikipedia.org., pages 10 - 11, Constituencey services: The free encyclopedia, "A major aspect of the job for senators and representatives is constituency services. Members receive thousands of letters, phone calls, and emails, with some expressing opinion on an issue or displeasure with a position or actions of the member. Other constituents request help with problems, or ask questions. Members of Congress want to leave a positive impression on the constituent, rather than leave them disgruntled. Thus, their offices will be responsive, and go out of their way to help with problem or inquiry."

The First Amendment: Raissa Clarkson, Plaintiff v. Town of Florence, Case No. 01 - C - 0587, United States District Court For The

Eastern District Of Wisconsin:

May 2, 2002, Decided, May, 2002, Filed. Judge: Lynn Adelman, District Court. Page 1, **Procedual Posture:** "Plaintiff tavern owner sued defendant town under 42 U.S.C.S Section 1083, challenging the constitutionality under the First Amendment of an ordinance prohibiting nude dancing in tavern. Page 21, Conclusion: See Will - Kar, 153 F. supp. 2d at 993. The ordincance violated the First Amendment due to its substantial overbreath."

Page 21, Judge Lynn Adelman, "I turn, then, to what this finding of a constitution violation means for purposes of plaintiff's section 1983 claim." A. Liability. "...Plaintiff has shown that she has standing to challenge the ordinance, and that it was unconstitutional. Thus she has established that she was deprived of a constitutional right."

First Amendment Continued:

Eastland v. United States Servicemen's Fund, No. 73 - 1923, Argued Jan 22, 1975. Decided May 27, 1975. Justice DOUGLAS, Dissenting: "Under our federal regime that delegates, by the Constitution and Acts of Congress, awesome powers to individuals, those powers may not be used to deprive people of their First

Amendment or other constitutional rights. It is my view that no official, no matter how high or majestic his or her office, who is within the reach of judicial process, may invoke immunity when, on the merits, it would be appropriated to invoke such a remedy. But no regime of law that can rightfully claim that name may make trustees of these vast powers immune from actions brought by people who have been wronged by official action."

3. Speech or Debate Clause:

Overbreadth Doctrine:

LawEncyclopedia,
www.answers.com/topic/overbreath:

"A principle of judicial review that holds that a law is invalid if it punishes constitutionally protected speech or conduct along with speech or conduct that the government may limit to further a compelling government interest.

Legislatures sometimes pass laws that infringe on the First Amendment freedoms of religion, speech, press, and peaceable assembly. When a legislature passes such a law, a person with a sufficient interest affected

by the legislation may challenge its constitutionality by bringing suit against the federal, state, or local sovereignty that passed it. One common arument in First Amendment challenges is that the statute is overbroad.

Under the Overbreadth Doctrine, a statute that affects First Amendment rights is unconstitutional if it prohibits more protected speech or activity than is necessary to achieve a compelling government interest. The excessive intrusion of First Amendment rights, beyond what the government had a compeling interest to restrict, renders the law unconstitutional.

If a statute is overbroad, the court may be able to save the statute by striking only the section that is overbroad. If the court cannot sever the statute and save the constitutional provisions, it may invalidate the entire statute."

I'm not challenging the Congressman's right to present or not present legislation to the U.S. Congress. I respect his position as Congressman and I'm not challenging what legislation he chooses to consider. I'm asking for the right to have communication with the Congressman. I'm asking to receive a reply from either Congressman Murphy or his special legislative committees that evaluate the worth of legislation that comes before them.

I was told several times that I would hear from those who are on the special committees that determine whether the legislation could be used and if the legislation that I sent to them can be of value. I was told that I would be contacted and I'm still waiting to receive a reply from Congressman Murphy's special committee staff members concerning my legislation. If the legislation that I proposed can't be of any worth, then good and fine. I'm simply asking to hear from Congressman Murphy's people or from Congressman Murphy himself.

Corpus Juris Secundum 16B, Constitutional Law, 789 - 1328, West & Thomson, Section 797, Page 29, Research References, West's key Number Digest, Constitutional Law, Key 90(1), 90(2).

1 RIGHT TO LISTEN AND RECEIVE INFORMATION:

"The freedom of speech and the press includes the right of access to information and ideas. The First Amendment protects not just speech itself, but the entire process of communication, including the exchange of ideas and information between speaker and listener. The guaranty embraces a right of the public to have access to ideas and experiences, and protects the interest of society as a whole, as well as

to those of the speaker and his or her audiences. The freedom of speech and press includes some freedom to listen, to hear, and to receive information and ideas, regardless of the social worth of the information or ideas."

The First Amendment, Corpus Juris Secundum 16B, Constitutional Law 789 - 1328, West & Thomson, Page 30, Section 798, Research References, West's Key Number Digest, Constitutional Law, Key 90(1), 90(2), Page 30.

Freedom Of Belief:

"The First Amendment protects freedom of thought. The First Amendment right of communication of ideas presupposes the capacity to produce ideas, so that the power to produce ideas is fundamental to thhe right to commuunicate."

II. I ask that my Complaint not be dismissed: Corpus Juris Secundum 16B, Constitutional Law, 789 - 1328, West & Thomson, Research References, West's Key Number Digest, Connstitutional Law, Key 90(1), 90.1(1),

Nature Of Ideas Expressed:

"Freedom of speech and the press is not

limited by the nature of the ideas expressed. The First Amendment protects expression, popular or not. The Constitutional protections of speech and press do not turn on the truth, popularity, or social utility of the ideas and beliefs which are offered, but embody a commitment that debate on public issues should be uninhibited, robust, and wide open. Expession of opinion is entitled to protection no matter how unorthodox or abhorrent the opinion may seem to others, and even though the ideas expressed may be rejected by the majority. Speech is protectd even though it promotes ideas which are contrary to public policy or to community customes and traditions, or concerns subjects offending sensibilities.

The freedom of speech and of the press does not bear an inverse ratio to the timeliness and importance of the ideas seeking expression. Since it is a fundamental purpose of the First Amendment to foreclose governmental control or manipulation of the sentiments uttered to the public, the government may not allow freedom of speech and press to those on one side of the controversy and restrict those on the other, or restirct the speech of some elements of society in order to enhance the voice of others."

Raissa Clarkson, Plaintiff, v. Town Of Florence, Defendant. Case No. 01 - C - 0587,

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN, 198 F. Supp. 2d. 997; 2002 U.S. Dist. LEXIS 8350. Page 3.

"It is not necessary to prove the existence of a large damage claim in order to have standing. A plaintiff must only show that she has an actual stake in the out come of the claim."

I'm making a claim of injuries and those injuries are the fact I'm being denied the right to receive a satisfactory response from Congressman Murphy. The very fact that I'm experiencing a denial to receive an answer to my Complaint tells me that I really don't have any Constitutional rights. I'm claiming my First Amendment right to have communication with Congressman Murphy.

I'm saying that my right to communicate and to receive an answer from my congressman is not putting an unreasonable burden on him and as far as I'm concerned, the very reason he is a congessman is for the purpose of keeping the people informed. I'm basing my rights on the First Amendment.

I'm not asking Congressman Murphy to move

heaven and earth. I'm asking to receive an answer to the proposed legislation that I sent to him. If he accepts it, then good and fine and if he rejects it, I want to know why and I want to receive an answer from him. **Terry v. Adams, 345 U.S. 461, 73 S. Ct. 809, 97 L Ed. 1152, 1953 U.S. LEXIS 2603 (1953)**

Chief Justice Frankfurter, J. October Term, 1952. Page 472, Certiorari To The United States Court Of Appeals For The Fifth CircuitNo. 52. Argued January 16, 1953– Decided May 4, 1953.

"The right of citizens of the United States. to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

I'm asking for the right to have a say and receive a reply?

Davis v. Schnell, 81 F. Supp. 872, Jan. 7, 1949 U.S. Dist. LEXIS 1763 (D. Ala. 1949) PAGE 872, (3). ELECTIONS KEYS 211, 253:

"State action which denies due process or equal protection of the law in exercise of the right of suffrage is prohibited by the Fourteenth Amendment."

Why am I not being given the right to exchange ideas with my elected representative?

Other matters for the Court to consider:

I'm requesting that the Court permit me to enter two more exhibits. Exhibit #11, which is an email that I received from Congressman Murphy, Dated Tuesday, January 9, 2007. The next is Exhibit #12. I truly feel that the legislation that I wish to propose would serve as a legal avenue carried out by the Bar Association. The Bar Association is responsible for determining whether a client has been wronged and deciding what monetary compensation will be awarded. This new legislation would simply extend the Bar's reach and help the client to complete the unfinished legal work that the original attorney didn't complete. Otherwise, the client may find that they can't get an attorney who would be interested in picking up the case in midstream. This legislation would be of great benefit for myself and for anybody else who wants to have their legal work satisfactorily completed.

This legislation would also serve to show that the client exercised every legal avenue that was available to them in order to protect their name and reputation.

CONCLUSION

WHEREFORE, Anthony DeGenes, Petitioner, respectfully requests that the Petition for Writ of Certiorary be granted as it presents important issues to the Court dealing with the First, Fourteenth and Fifteenth Amendments

Respectfully submitted,

_____

Anthony DeGenes

Date: March 25, 2009

APPENDICES

APPENDIX

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CASE NO. 08-1686

ANTHONY A. DEGENES,
Appellant
V
TIM MURPHY,
United States Congressman

On Appeal from the United States District Court for the Western District of Pennsylvania (D.C. No. 07-cv-01370)
District Judge: Honorable Nora Barry Fischer

Submitted Pursuant to Third Circuit LAR 34. 1(a)

AUGUST 6, 2008

Before: AMBRO, FUENTES and FISHER, Circuit Judges.

(FILED AUGUST 13, 2008)

(OPINION)

OPINION

PER CURIAM

Anthony DeGenes, proceeding Pro Se, appeals from the District Court's **JUDGMENT** dismissing his Complaint against Congressman Tim Murphy for the lack of subject matter jurisdiction. For the reasons that follow, we will affirm.

In October of 2007, DeGenes filed a complaint in the United States District Court for the Western District of Pennsylvania, naming U.S. Congressman Tim Murphy as the sole defendant. DeGenes alleged that he submitted proposed legislation to Congressman Murphy's office, that he was told several times by his representatives that they would get back to him at a later time, that he was told that Congressman Murphy would "take up [his] cause and represent [him] in his personal matter," and then was later told that Congressman would not get involved in his personal matters. He alleged that he then informed Congressman Murphy's representative, Michael Baxter, that he still wanted his legislation to be presented, and Baxter told him that it first would have to go before a committee which would determine whether or not it had merit,

that it hadn't yet been presented to the committee, and that if the committee rejected it, he would receive written notification.

As relief, DeGenes requested that Congressman Murphy give him "a written explanation as to why he will not present my legislation. I want a reason why the Congressman refuses to contact me. I want this written information to be on Congressman Murphy's Congressional letterhead stationary. . . . I want to have the right to read Congressman Murphy's written response, as to why he won't consider this legislation. I want to have the right to decide if his response is satisfactory to me before my case is disposed of."

On defendant' motion, the District Court dismissed the complaint for lack of subject matter jurisdiction, holding that DeGenes had not demonstrated an injury-in-fact, and therefore that he lacked standing to assert his claims. In the alternative, the Court held that Congressman Murphy was entitled to absolute immunity under the Speech and Debate Clause. The Court concluded by suggesting that DeGenes make an appointment to meet with Congressman Murphy or his staff should he wish to pursue a further response. DeGenes timely filed a notice of appeal.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. Our review of the District Court's dismissal for lack of standing is

plenary. See Pennsylvania Psychiatric Soc'y v. Green Spring health Servs., Inc., 280 F.3d 278 (3d Cir. 2002).

We have held that "[c]onstitutional standing requires: (1) injury-in-fact, which is an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical; (2) a causal connection between the injury and the conduct complained of; and (3) it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." Danvers Motor Co., Inc. v. Ford Motor Co., 504 U.S. 555, 560-61 (1992)). The District Court concluded that DeGenes' Complaint did not identify a legally protected interest which had been violated, nor did it set forth a constitutional or statutory requirement that members of Congress respond to their constituents' request for legislation. On appeal, DeGenes argues that by not receiving a response from Congressman Murphy, he has been denied the right to communicate with his elected representative. Neither the Constitution nor any federal statute requires a citizen's elected representative to respond in writing to his requests. For the reasons expressed by the District Court in its thorough and thoughtful opinion, we agree that DeGenes' allegations do not demonstrate an injury-in-fact and, accordingly, we will affirm. DeGenes' motion not to dismiss his case is denied as moot.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

OCTOBER 21, 2008

CASE NO. 08-1686

ANTHONY A. DEGENES
Appellant
v.
TIM MURPHY,
United States Congressman

On Appeal from the United States District Court for the Western District of Pennsylvania
(D.C. No. 07-cv-01370)
District Judge: Honorable NORA BARRY FISCHER

Present:
SCIRICA, *Chief Judge,* SLOVITER, MCKEE, RENDELL, BARRY, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN and HARDIMAN, *Circuit Judges.*

SUR PETITION FOR REHEARING

The petition for rehearing filed by Appellant having been submitted to all judges who participated in the decision of this court, and to all of the other available circuit judges in active service, and a majority of the judges who concurred in the decision not having asked for rehearing, and a majority of circuit judges of the circuit in regular active service not having voted for rehearing by the court en banc, the petition for rehearing is hereby DENIED.

BY THE COURT:
/s/ D. Michael Fisher
Circuit Judge

Dated: October 21, 2008
MB/arl/cc: AAD: KWK

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FEBRUARY 15, 2008

Anthony A. DeGenes, Pro Se
Plaintiff,
V
Tim Murphy, U.S. Congressman,
Defendant

Civil Action No. 07 - 01370
JUDGE NORA BARRY FISCHER

ORDER

AND NOW, this 15th day of February, 2008, for the reasons set forth in the Memorandum Opinion, the Court GRANTS the Motion to Dismiss of Defendant Tim Murphy [DE 4], filed by the Defendant on October 25, 2007, Accordingly, the Court hereby dismisses Plaintiff's Complaint with prejudice and directs the Clerk of Court to mark the above captioned matter as CLOSED.

/s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

Cc/;ecf: All Counsel of Record

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY A. DEGENES,
Plaintiff

V

TIM MURPHY,
U.S. Congressman,
Defendant

Civil Action No. 07 -1370
Judge Nora Barry Fischer

MEMORANDUM OPINION

February 15, 2008:

This is a civil rights action brought by Anthony A. DeGenes ("Plaintiff"), a *pro se* litigant, who alleges that Congressman Tim Murphy ("Defendant") violated his right under the First Amendment to listen and receive information by deciding not to send Plaintiff a written explanation as to why he would not present Plaintiff's proposed legislation before the United States Congress. For

the reasons set forth below, the Court GRANTS Defendant's Motion to Dismiss .

FACTS

This matter arises from a prior legal representation in which Plaintiff requested that a former attorney investigate information about Plaintiff with respect to a Pennsylvania Child Abuse History Clearance check and a Freedom Of Information Act ("FOIA") Check. Docket No. 1, Complaint at (Paragraph ¶6 (hereinafter, "Complaint"). Plaintiff states that he did not receive any information regarding the FOIA check, except a letter from his former attorney stating that all the information was disclosed.
Id

Subsequently, Plaintiff contacted Defendant's office in November of 2006 in order to propose legislation regarding the formation of an agency or department that would gather and prepare "an impartial and unbiased investigative report" for Plaintiff and other individuals in his situation. Complaint, Exh. 4 at 13. Plaintiff stated that he did not receive a response from Defendant. Complaint at ¶¶ 34-35). As a result, Plaintiff instituted this suit, requesting that the Court require Defendant to give a written explanation as to why Defendant will not present Plaintiff's legislation. Complaint at 5.

However, Exhibit 6 to his Complaint is an

email from Michael Baxter, Legislative Director in the office of Dedendant, to Plaintiff responding to Plainiff's inquiry about the proposed legislation.[1] Moreover, Plaintiff replied by letter on "2/20/2008 [sic]"[2] Subsequently, Plaintiff faxed a privacy release form to Defendant. Complaint, Exhs. 8 and 9.

Despite Plaintiff's Complaint of lack of

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[1] Exhibit 6 reads: Mr. DeGenes:
We have received your inquiry. Your proposed legislation is unclear. If we are correct, it seems as if you are interested in guaranteeing legal representation? Your chronology of events, which you document, details internal disagreements among many local attorneys. As a congressional office, we do not typically get involved in individual personal legal disputes. As you know, Megan's Law is designed to provide information and notification to communities when sex offenders move into the neighborhood. Are you referencing the correct law? If you are listed on a public registry, this is from a conviion and the legal system would seem to be the best route to resolve any challenges to prior convictions.

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[2] Michael Baxter
Legislative Director
Office of (Defendant)
Complaint Exh. 6, at 17.
In his reply letter to Mr. Baxter, Plaintiff states that he was contacting Defendant's office to learn about the process of proposing legislation because he had never done so before and

communication with Defendant, the exhibits tell a different story.

Plaintiff was interested in establishing another legal avenue, besides a monetary award, that would provide Plaintiff was interested in establishing another legal avenue, besides a monetary award, that would provide Plaintiff with the services he initially requested. Complaint, Exh 7, at 19. Plaintiff suggests that this legal avenue could be implemented by the Pennsylvania Bar Association or the Court of Common Pleas. *Id.* Additionally, Plaintiff asserts that he has a right to propose legislation because the laws of the United States were created to protect people and his legislation would serve as an additional channel to protect individuals. *Id.* at 20. Lastly, Plaintiff emphatically states that it was very difficult to get in contact with Mr. Baxter about the matter because of Mr. Baxter's delayed responses. *Id.* at 19-20. *Please refer to Exhibit #1.*

PROCEDURAL BACKGROUND

On October 11, 2007, Plaintiff filed this Complaint. On October 25, 2007, Defendant filed the instant Motion to Dismiss and Memorandum of Points and Authorities in Support of Defendant's Motion to Dismiss. (Docket No. 4) (hereinafter, "Defendant's Motion"). On December 21, 2007, Plaintiff filed his Brief in Opposition to Defendant's Motion to Dismiss (hereinafter, "Plaintiff's Opposition") (Docket No. 10). On December 28,

2007, Defendant filed his Reply Brief in Support of his Motion to Dismiss. (Docket No. 12).

As set forth above, Defendant moves to dismiss Plaintiff's Complaint for the following reasons: (1) pursuant to Rule 12(b)(1), Defendant challenges this Court's subject matter jurisdiction over this action by claiming Plaintiff lacks standing to sue and Defendant is immune from this lawsuit: (2) pursuant to Rule 12(b)(6), Defendant argues that Plaintiff fails to state a claim upon which relief can be granted, because the government's failure to act in a way desired by a particular individual does not give rise to a legal cause of action; and (3) pursuant to Rule 12(b)(5), Defendant asserts that Plaintiff failed to properly serve his Complaint as required by Federal Rule of Civil Procedure 4(i)(2)(A). Because the Court finds that Plaintiff lacks standing and Defendant is absolutely immune from suit for Plaintiff's allegations, pursuant to Rule 12(b)(1), the Court declines to reach Defendant's other arguments.

STANDARD OF REVIEW

As a preliminary matter, "pleadings filed by *pro se* litigants are to be construed liberally." *Gagliardi v. Kratzenberg*, 404 F. Supp. 2d 858, 861 (W.D. Pa. 2005) (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993)); *Higgins v. Beyer*, 293 F. 3d

683, 688 (3d Cir. 2002). Moreover, "in such circumstances[,] the court has an obligation to 'apply the applicable law, irrespective of whether a *pro se* litigant has mentioned it by name.'" *Gagliardi v. Kratzenberg,* 404 F. Supp. 2d at 861 (citing *Higgins,* 293 F. 3d at 688).

"[W]hen ruling on a defendant's motion to dismiss, a judge must accept as true all of the factual allegations contained in the complaint." *Erickson v. Pardus,* 127 S. Ct. 2197, 2200 (U.S. 2007) (citing *Bell Atlantic Corp. v. Twombly,* 127 S. Ct. 1955, 1965 (U.S. 2007)). Moreover, when a movant invokes multiple bases for a motion to dismiss, the court should consider the Rule 12(b)(1) challenge first because all other defenses will become moot if the court must dismiss the complaint for lack of subject matter jurisdiction. *Hoyoung Song v. Klapakas,* Case No. 06-05589, 2007 U.S. Dist. LEXIS 27203, at *2 (E.D. Pa. April 12, 2007) (citing *In re Corestates Trust Fee Litig.,* 837 F. Supp. 104, 105 (E.D. Pa. 1993)). Accordingly, the Court will first consider Defendant's challenge to this Court's subject matter jurisdiction pursuant to Rule 12 (b)(1).

Dismissal is proper under Rule 12(b)(1) only when "the claim clearly appears to be immaterial and made solely for the purpose of otaining jusisdiction or. . . Is wholly insubstantial and frivolous." *Kehr Packages, Inc v. Fidelcor, Inc.,* 926 F. 2d 1406, 1409 (3d Cir. 1991), *cert. denied,* 501 U.S.

1222 (1991). In reviewing a motion to dismiss pursuant to Rule 12(b)(1), the court must distinguish between facial attacks and factual attacks. *Gould Elecs., Inc v. United States,* 220 F. 3d 169, 176 (3d Cir. 2000). When a defendant attacks a complaint on its face, he "[asserts] that considering the allegations of the complaint as true, and drawing all reasonable inferences in favor of [plaintiff], the allegations of the complaint are insufficient to establish a federal cause of action." *Mullen v. Thompson,* 155 F. Supp. 2d 448, 451 (W.D. Pa. 2001). When a defendant launches a factual attack on subject matter jurisdiction, "no presumptive truthfulness attaches to plaintiff's allegations, and the existence of disputed material facts will not preclude the trial court from evaluating for itself the merits of jurisdictional claims." *Mortenson v. First Federal Savings and Loan Association,* 549 F.2d 884, 891 (3d Cir. 1977). With respect to the present matter, Defendant asserts a factual argument regarding subject matter jurisdiction. Defendant's Motion, at 2.

When subject matter jurisdiction is challenged under Rule 12(b)(1), the plaintiff bears the burden of persuasion. *Kehr Packages,* 926 F.2d at 1409; *Hedges v. United States*, 404 F. 3d 744, 750 (3d Cir. 2005). Furthermore, while a court's review of a motion to dismiss is ordinarily limited to the contents of the complaint, including any attached

exhibits[3], a court may consider some evidence beyond a complaint on a motion to dismiss "including public records . . ., documents essential to plaintiff's claim which are attached to defendant's motion, and items appearing in the record of the case." *Core Const. & Remediation, Inc. v. Village of Spring Valley, NY,* Case No. 06-1346, 2007 U.S. Dist. LEXIS 73069, at *2 (E.D. Pa. Sept. 27, 2007) (citing *Oshiver v. Levin, Fishbein, Sedran & Berman,* 38, F.3d 1380, n. 1 and n.2 (3d Cir. 1995)) (internal citation omitted). *See also, United States ex rel. Atkinson v. Pa. Shipbuilding Co.,* 473 F. 3d 506, 514 (3d Cir. 2007).

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[3] Here, Plaintiff includes the following exhibits: 1) Exhibit 1 - Plaintiff's webpage, www.doihaveanyrights.com, "I'm Guilty of What And I'm Being Denied the Right to Protect Myself"; 2) Exhibit 2 - October 16, 2003 Letter from Ms. Grassel to Mr. DeGenes; 3) Exhibit 3 - February 27, 2006 Arbitrator's Decision Before the Special Fee Determination Committee of the Allegheny County Bar Association; 4) Exhibit 4 - November 16, 2006 Letter from Plaintiff to Defendant; 5) January 24, 2007 Email from Mr. Baxter to Plaintiff; 6) Exhibit 6 - February 20. 2007 Email from Baxter to Plaintiff; 7) Exhibit 7 - February 23, 2007 Facsimile from Plaintiff to Mr. Baxter; 8) Exhibit 8 - February 25, 2007 Privacy Release Form signed by Plaintiff; 9) Exhibit 9 - March 27, 2007 Email from Mr. Savinda to Plaintiff; and 10) Exhibit 10 - January 20, 2003 Letter from Ms. Turzak to Plaintiff

In addressing Plaintiff's Complaint, the Court is mindful of the above standards, while giving Plaintiff's Complaint a liberal construction.[4]

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[4] While not raised by the parties, the Court feels compelled to address the so-called "political question' doctrine, which does not apply in this matter. A nonjusticiable political question ordinarily involve one or more of the following factors:
[1] a textually demonstrable constitutional commitment of he issue to coordinate political department; or [2] a lack of judicially discoverable and manageable standards for resolving it; or [3] the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or [4] the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or [5] an unusual need for unquestioning adherence to a political decision already made; or [6] the potentiality of embarrassment from multifarious pronouncements by various departments on one question.
Baker v. Carr, 369 U.S. 186, 217 (1962). Courts have determined the congressional activities are not without limitation and judicial inquiry has Government contracts, preparing so-called 'news letters' to constituents, news releases, and speeches delivered outside the Congress"), *Government of Virgin Islands v. Lee*, 775 F.2d 514, 520 (3d Cir. 1985) (finding that legislative immunity did not bar an inquiry into whether congressman's activities were legislative in a nature because legislative immunity generally only protected acts related to enacting legislation); *Karchin v. Metzenbaum*, 587 F. Supp. 563 (N.D. Ohio 1983) (holding the plaintiff-employee had a constitutionally-guaranteed right to petition congressional members but plaintiff's right did not include having his correspondence viewed only by defendant-congressman to which it was addressed). Here, judicial inquiry is necessary to determine whether Defendant was acting within

1. Subject Matter Jurisdiction Claim

In his motion, Defendant requests dismissal of Plaintiff's Complaint arguing lack of standing and immunity. Specifically, Defendant asserts that this Court's jusridiction is limited by Article 3, § 2 of the United States Constitution to "cases and controversies." Defendant's Motion, at 2-3. In support of immunity, Defendant asserts sovereign immunity, qualified immunity, and immunity under the Speech and Debate Clause of the United States Constitution. *Id.* at 3-4.

With respect to Defendant's Article III argument, Defendant alleges that Plaintiff has failed to establish any of the elements of standing, a "core component' to the case-or-controversy requirememt. *Allen v. Wright,* 468 U.S. 737, 751 (1984). Defendant relies on *Lujan v. Defenders of Wildlife,* 504 U.S. 555, 560-61 (1992), in which the Supreme Court stated that a party must establish standing by demonstrating:

> First... an "injury in fact" - an invasion of a

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his official capacity as a

legally protected interest which is (a) concrete and particularized... (b) "actual or imminent, not 'conjectural' or 'hypothetical'"... Second, there must be a causal connection between the injury and the conduct complained of... Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." *Lujan*, 504 U.S. at 560-61. *See also, Pa. Prision Soe'y v. Cortes*, 508 F. 3d. 156; 160-161 (3d Cir. 2007).

Specifically, Defendant contends that Plainfiff has not identified an "injury in fact" because a "right to written reply from [Defendant] concerning his legislative proposal" does not constitute a legally protected interest, wherein the violation of same would give rise to an injury in fact.[5] Defendant's

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[5] Defendant also argues that if this Court determined there was a concrete injury, which Defendant predicts would be that Plaintiff suffered an injury when his former attorney failed to complete his investigation, Defendant claims that there is no causal connection between the injury and any conduct on the part of Defendant because Defendant did not cause this alleged injury, if any, Defendant's Motion, at 3. Furthermore, Defendant alleges that if this Court were to order Defendant to give Plaintiff a written explanation, the third element of standing would still not be met because his alleged injury remains undressed, whereby an explanation would not complete Plaintiff's requested investigation and would not result in a legislation being drafted or passed by Congress. *Id.* The Court does not see any reason to seek such explanation, as in this Court's mind, and amended complaint would be futile given the defenses to Plaintiff's claim. Moreover, for the

Motion, at 2. In his Complaiint, Plaintiff states that he is "asking the Court to have the defendant, Congressman Tim Murphy,. . . Give [Plaintiff] a written explanation as to why he will not present [Plaintiff's] legislation.." Plaintiff wants a reason as to why the Congressman refuses to contact Plaintiff." Complaint, at 5. In reviewing these statements and Plaintiff's Complaint as a whole, the Court finds that Plaintiff has not identified an injury in fact. He does not state that a legally protected interest has been violated. Nor does he set forth a constitutional or statutory requirement that members of Congress respond to their constituents' request for legislation. Rather, he is simply asking this Court to order Defendant to send Plaintiff a explanation as to why he will not present Plaintiff's legislation. This is not enough to establish standing. This Court finds Plaintiff's argument, i.e., that his rights were violated under the First Amendament with respect to the right to listen and receive

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reasons set forth above, the Court does need to address these issues.

information, to be without support as he has failed to demonstrate any injury. Plaintiff's Opposition, at 1. Accordingly, the Court finds that Plaintiff does not have standing to assert his claims and thus, this Court does not have jurisdiction over this matter.

Furthermore, the Court notes that Plaintiff attempts to explain his request for a response from Defendant in his Opposition by asserting that he is being denied his rights under the First Amendment. He asserts that if he is refuesed a reply, "then this would permit [Defendant] to answer only those to whom he wishes to answer and to discriminate against [Plaintiff] and anybody he feels he wants to ignore." Plaintiff's Opposititon, at 2. Relying on *Bowie v. Williams*, 351 F. Supp. 628 (E.D. Pa. 1972), Plaintiff states that the First Amendment prohibits the government from limiting information to the public because" '[I]t is part of congressman's responsibility to those he represents to keep them informed.' "Plaintiff's Opposition, at 2 (citing *Bowie*, 351 F. Supp. At 631) (internal citation omitted).

While courts have recognized that "[b]esides participating in debates and voting on the Congressional floor, a primary obligation of a Member of Congress in a representative democracy is to serve and respond to his or her constituents. Such service necessarily includes informing constituents and the public at large of issues being considered by Congress." *Williams v. United States*, 71 F. 3d 502, 507 (5th Cir. 1995). *See also,*

United States v. Brewster, 408 U.S. 501, 512 (1972) (describing as "entirely legitimate" a "wide range" of "activities other than purly legislative activities," including" 'news letters' to constituents, news releases, and speeches delivered outside the Congress"); *Operation Rescue Nat'l v. United States*, 975 F. Supp. 92, 107 (D. Mass. 1997) (holding that senator's remarks about the anti-abortion organization were partly made to inform the public of the reasons for his position and therefore, constituted official duties protected under Speech and Debate Clause); *Chapman v. Rahall*, 399 F. Supp. 2d 711, 715 (W.D. Va. 2005) (finding that congressman's remarks to a television reporter about plaintiff's affiliation to an Islamic organization could reasonably be deemed to be ordinary attribute of his job as a legislator). However, *Bowie* is distinct from the matter at hand. In *Bowie*, the Court's primary issue was the congressional usage of a frank.[6] The Court found that the plaintiff's argument that the mailling of information to a defendant congressman's constituents amounted to a distribution of compaign literature was without merit. *Bowie*, 351 F. Supp. At 632. The Court stated that the plaintiff's failed to

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[6] A frank is an "autographic or facsimile signature . . .of persons authorized . . .to transmit matter through the mail without prepayment of postage. . . ." 39 U.S.C. § 3201(3).

show that the frank was improperly loaned to the congressman's compaign committee. *Id.* at 634. Only in *dicta,* the Court noted that it was part of a congressman's responsibility to his constituents to keep them informed and the publication of a newsletter was a mechanism in order to fulfill this purpose. *Id.* 631. The Court did not address whether the congressman had a duty to respond to a constituent's letter, as Plaintiff attempts to assert in his argument.[7] Moreover, the Court finds that Defendant is afforded absolute immunity unde the Speech or Debate Clause of Article 1, § 6, Clause 1 of the United States Constitution.[8] U.S. Const. Art. 1,

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[7] In *Williams, supra,* the plaintiff brought a defamation action against the defendant, a congressman, under Federal Tort Claims Act, 28 U.S.C.S. §§ 1346(b), 2671-2680. The Court of Appeals for the Fifth Circuit determined that the congressman's remarks, which were made in the context of an interview to inform the public about Congress's appropriation of money, fell within the course and scope of the defendant's position as a member of Congress and therefore, he was not liable. *Williams,* 71 F.3d at 507. The Court concluded that the congressman had a duty to inform the public about issues at large and the use of an interview was a permissible activity to convey the congressman's message. *Id.*

[8] Furthermore, Defendant also asserts sovereign and qualified immunity. Defendant's Motion, at 3-4. Because this Court find that Defendant enjoys absolute immunity under the Speech or Debate Clause, this Court does not reach the question of whether he is entitled to sovereign and qualified immunity.

§ 6, cl. 1("The Senators and Rrpresentatives shall . . for any Speech or Debate in either House, they shall not be questioned in any other Place.")

The Speech or Debate Clause protects members of Congress, as well as their aides, from being prosecuted civilly and criminally for protected legislative acts. *Gravel v. United states,* 408 U.S. 606, 614 (1972). However, "[t]hat [Congress members] generally perform cetain acts in their official capacity as [Congress members] does not necessarily make all such acts legislative in nature." *Id.* 625. *See also Fields v. Office of Johnson,* 459 F. 3d 1, 12 (D.C. Cir. 2006). Moreover, legislative activities are not "all encompassing." *Gravel,* 408 U.S. at 625. Rather, legislative activities

Must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceeding *with respect to the consideration and passage or rejection proposed legislation* or with respect to
other matters which the Constitution places within the jurisdiction of either House. As the Court of Appeals put it, the courts have extended the privilege to matters beyond pure speech or debate in

either House but only when necessary to prevent indirect impairment of such deliberations.

Id. (citing United States v. Doe, 455 F. 2d 753, 756-757 (1st Cir.1972)) (internal quotations omitted) (emphaisis added). *See generally, Baraka v. Mc Greevey,* 481 F.3d 187, 212-213 (3d Cir. 2007); *Fowler-Nash v. Democratic Caucus of the Pa. House of Representatives,* Case No. 05-1672, 2006 U.S. Dist LEXIS 6323 (W.D. Pa. Feb.17, 2006). "The Speech or Debate Clause protects conduct that is integral to the legislative process, not a Member's legislative goals." *Fields v. Office of Johnson,* 459 F. 3d 1, 12 (D.C. Cir. 2006). *See also, Fowler-Nash,* 469 F.3d at 331. Here, Plaintiff is "asking to receive a reply from either [Defendant] or his special legislative committees that evaluate the worth of legislation that comes before them." Plaintiff's Opposition, at 7.[9] This kind of request clearly falls within the protected class of activity that qualifies under the Speech or Debate Clause for the following reasons. (1)

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[9] The Plaintiff also asserts that the Overreadth Doctrine applies in this matter, thereby challenging Defendant's immunity under the Speech or Debate Claues. Plaintiff's Opposition, at (6). However Plaintiff does not cite to any legislation or statute that would qualify as overbroad and therefore, impinge on his First Amendment rights. Thus, the Court finds Plaintiff's claim is without merit.

Defendant would be acting in his legislative capacity with respect to reviewing Plaintiff's proposed legislation in order to deliberate on its passage in Congress; (2) Defendant's explanation to Plaintiff about the proposed legislation would be a communicative process; and (3) Defendant's response would be specifically about Defendant's proceeding with respect to the "rejection of proposed legislation," which is an integral part of the legislative process. *Gravel*, 408 U.S. at 625. Thus, Defendant is protected under the Speech or Debate Clause from providing such information to Plaintiff fails to put forth any indication that Defendant's activity falls outside the scope of immunized acts under the Speech or Debate Clause.

Lastly, the Court notes that because it finds it lacks subject matter jurisdiction, pursuant to Civil Rule 12(b)(1), the Court need not address Defendant's remaining arguments.

CONCLUSION

Based on the foregoing, the Court GRANTS Defendant's Motion to Dismiss given lact of subject matter jurisdiction. Further, the Court suggests that Plaintiff make an appointment to meet with Defendant or his aides at Defendant's offices located at 504 Washington Road, Pittsburgh, Pennsylvania or 322 Cannon Building, Washington, District of

Columbia, if Plaintiff still wishes to pursue a further response from Defendant.
An appropriate Order follows.

s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

Cc/ecf: All Counsel of Record.

Date: February 15, 2008.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DECEMBER 26, 2007

ANTHONY A. DEGENES,
Plaintiff,

v.

TIM MURPHY,United States Congressman

Defendant

CASE NO. 07-1370

ORDER

AND NOW, this 26th day of December, 2007, Upon consideration of Plaintiff's "Memorandum of Points and Authorities in Opposition to Motion to Dismiss" (Document No. [10], filed in the above captioned matter on December 21, 2007.)

IT IS HEREBY ORDERED That Defendant

shall file a Reply to said Memorandum by no later than January 3, 2008.

IT IS FURTHER ORDERED that given Plaintiff's Pro Se status, the Court will treat the paragraph in Plaintiff's said Memorandum entitled "Other Matters for the Court to Consider" as a Request to Supplement the Records. Plaintiff's Request is GRANTED and Plaintiff's Supplemental Exhibits shall be filed with the Court by no later than January 31, 2007. Failure to comply with this Court's Orders, policies and procedures can result in dismissal for failure to prosecute.

/s/NORA BARRY FISCHER
United States District Judge
Cc/ecf:ANTHONY A DEGENES
Council of Record

ORIGINAL EXHIBITS

ALL EXHIBITS

Attached is my webpage (Exhibit #1), which is submitted so the Court can better understand how I arrived at the issue at hand.

EXHIBIT #1:

"I would like to introduce myself. My name is Tony DeGenes. I want to start off by saying that I'm a sixty-four years old man and I've never been in any serious trouble. I've never been convicted of a crime and I've never been accused of doing anything wrong.

I want to start off by telling about some experiences that took place in my life starting in August of 1996. In August of 1996 my wife and I were on our way to get a pizza. We were in Mr. Lebanon, which is adjacent to Pittsburgh. As I was waiting for the traffic light to change, I decided to start pulling out before the light turned green, I did just that and without realizing it, a police car was right behind me. The office gave me a ticket for making a left turn before I received the green arrow. I told him that I had recently quit a part time job at the Duquesne Club and that I was going through a rough time coming up with the money. The officer suggested that I ask for a hearing before the magistrate and take it up with him.

When I got to Magistrate William Ivill's office, he called me into his courtroom and immediately began saying to me "I can't believe you did these things you did." I had no idea what in the world the magistrate was talking about because he just kept saying, "I can't believe you could do this." Then he said, "You completely destroyed your life." I really didn't know what in the world he was talking about. I thought perhaps Magistrate Ivill had me confused with someone else but every time I tried to say something, he would interrupt me and go back to saying the same things.

I told Magistrate Ivill that I asked for this hearing in the hope that he might give me a break on the cost of the ticket because I was going to try and get a part time job diving a school bus. As soon as I mentioned that I was going to get a job driving a school bus, Magistrate Ivill jumped out of his chair and began screaming at me, saying "I will personally stand between you and any children." He had both fist closed and he was yelling so loud that I began to scream back at him, letting him know that the only thing I did wrong was to make an illegal left turn. When I screamed back at him he immediately stopped screaming at me and he sat down and in a very quiet voice he told me to pay the ticket. I paid the ticket.

I was so unnerved by this encounter with Magistrate Ivill, that I decided to call an attorney to see whether there was anything to the magistrate's behavior. I called Attorney Richard DiBela. I told Attorney DiBela about the encounter with Magistrate Ivill. Attorney DiBella asked me if I was ever in any trouble and I told him that I hadn't. He said he didn't think there was anything to it because if I was ever involved with any kind of violation involving a kid, then the police would have approached me or even have arrested me without hesitation.

Attorney DiBela then told me that he knew people who do background checks and that he could hook me up with them and they could do a check. Their cost was fifty dollars. I told him that I was never in any kind of trouble with any kid or with anybody else and as far as I was concerned, I didn't want to spend the fifty bucks because I didn't do anything wrong Attorney DiBela told me that if I should change my mind he would be glad to help connect me up with these people. I thanked him and that was it.

About two weeks later I decided to give Attorney DiBela a call and take him up on his offer of help. I wanted him to connect me up with the people who did background checks and have them do one on me.

When Attorney DiBela got on the phone he immediately started screaming at me, saying "You better never call me again. You better never call this office again.'" Then he hung up on me before I was able to ask him what the problem was. He was as loud as what Magistrate Ivill had been.

It was at this time when I began to call law firms in order to try and get an attorney to look into why Magistrate Ivill acted this way. At this time I also started to experience that I was being refused jobs that had been promised to me. I knew something was going on but I didn't know what it was.

I called quite a few law firms but I never got a call back from any one of them. I thought it was strange that no law firm was interested in talking to me because there are enough of them around.

I decided to go to Lawyer Referral Services. I talked to Ms. Whitney Hughes. I told her what I was experiencing and how difficult it was in getting an attorney; she then told me that it was my responsibility to go out and get an attorney and after I had exhausted all my efforts, I could then come back to Lawyer Referral and she would then give me the name of an attorney.

I went home and started to go through the phone book again. I called every law firm

in the phone book but I never got a call back.

A year later I went back to lawyer Referral Services and again, I talked to Ms. Whitney Hughes. Again, Ms. Hughes told me that it was my responsibility to get an attorney on my own. I tried to explain to her that I called every law firm in the phone book and not one of them ever called me back.

On my third visit to Lawyer Referral Services I once again talked to Ms. Whitney Hughes. Each visit to her office was approximately one year's duration apart from each other visit. I said to Ms. Hughes "I'm not going to leave until I get the name of an attorney." She then said to me, "If you don't leave I'm going to call security." I told her "You do just that." She then went to the back office and it seemed like she was there for about ten minutes or even longer, and when she came back out she gave me the name card of the law firm Meyer, Darragh, Buckler, Bebenek & Eck.

I went there and talked with Attorney Kim Reister. Attorney Reister told me that neither he nor the law firm could represent me. To this very day I still can' figure out why Attorney Reister or the law firm couldn't represent me. When I asked him why they couldn't represent me he said, "You haven't been charged with anything." I explained to

him that I only wanted to have some people contacted and asked if anybody ever contacted them concerning me. He didn't say anything. However he did give me the name of investigator Mr. Robert Meinert (I'm not sure about the spelling). Mr. Meinert asked me to send him some information about myself and when I got back to him after he received the information that I sent him, he said he didn't want to work for me.

I then went back to see Attorney Reister again. This time he gave me the name of another investigator Mr. Frank Malloy. Mr. Malloy agreed to take my case. I stated to him that I was hoping to get an attorney to work along with him on my case, thinking it would give my case more credibility. He suggested that I call Attorney Rose Turzak. I did call Attorney Turzak and she wanted Frank and myself to come to her office.

After that conversation with Attorney Turzak I couldn't get in touch with either her or investigator Frank Malloy for some time. About a month later, I was finally able to get in touch with Attorney Rose Turzak. I called her from a payphone and when she answered the phone I told her who I was and I asked her what she wanted to do about my case and she said, "I don't know who you are and I don't work for Frank." she hung up.

I brought Frank Malloy before the Arbitration Board, County Courthouse. Attorney Turzak represented Frank Malloy. I won the case.

I decided to go into downtown Pittsburgh in order to try and get an attorney. I started at the Lawyers Building, going from law firm to law firm. I eventually came to the law firm of Sikov and Love. When I walked into the office I asked the receptionist if I could talk to a lawyer? There was a young lady standing close by and she introduced herself. She said she was Attorney Marjorie Cris. Attorney Cris said she would handle my case and she proceeded to set a consultation visit date so that we could go over the particulars of my case.

On the day of my consultation visit I received a phone call from Attorney Cris. She called to remind me that my consultation visit was still scheduled. I told her that I should be there in a few minutes. Upon my arrival at the law offices of Sikov and Love, Attorney Cris greeted me and she and I went into a glass enclosed office and I then began to explain to her what I was experiencing. After I had finished telling her everything that I was going through, Attorney Cris then said that I was experiencing 'Megan's Law' She then asked me if I was ever in any serious trouble. I told her

that I was never in any serious trouble. I also told her that I had never been accused of doing anything wrong. Again, she said she would represent me. I never saw her again, even though I called her many times and I went to her law offices on several occasions, she would never see me.

I now knew that what I was experiencing was the worst possible crime one could imagine but I also believed that if I had been involved with doing anything wrong I would have been fired from my full time job at Pruett Schaffer Chemical Co. and also from the Duquesne Club. Besides, my employer at Pruett Schaffer, Will Coyle, frequented the Duquesne Club quite often and he always stopped at the front door to introduce me to his business associates and he would always compliment me by telling them what a good employee I was. I don't believe I would have stayed working at either place with something like Megan's Law going on in my life.

I even went to the Federal Courthouse and I also went to Common Pleas Court to see the President Judge. I didn't know that a Federal Judge or Common Pleas Court Judge wasn't permitted to give any advice at all. I went back to the phone book and at last I was finally able to get an attorney from the phone book.

Attorney Robin Grassel set up a consultation meeting for me and I met with her. I went over my case with Attorney Grassel and she agreed to represent me. I paid her $1,150.00/ On June 30th 2003, I was finally able to get an attorney to take my case. It took me from August of 1996, to June of 2003, close to seven years before I was able to get an attorney. That's seven years and that's unbelievable. Attorney Grassel did a three-part investigation. The first part of the investigation was a background check into the Pennsylvania Child Abuse Clearance Act; the second part was a check into the Freedom Of Information Act; both parts of my investigation came back clear.

The third part of the investigation called for Attorney Grassel to try and get in touch with the named individuals that I asked her to call and to simply ask these individuals whether anybody ever contacted them concerning me.

In November of 2003, I had already received two parts of the investigation, like I said. However, this was now five months after I retained Attorney Grassel and I wanted to know what was going on with the last part of the investigation. Attorney Grassel did contact Attorney Richard DiBela and she sent me a letter that Attorney DiBela had sent to her.

Attorney DiBela's letter gives the impression that he heard my name but that he never spoke to me. I'm saying here and now that I spoke to Attorney DiBela twice. The fist time is when I asked Attorney DiBela what he thought of Magistrate Ivill's actions and the second time was when I called to ask him for his help in connecting me up with those who do background checks. As I stated earlier, Attorney DiBela started to scream at me and then he hung up. Attorney Grassel wouldn't contact the rest of the people.

I brought legal action against Attorney Grassel. My case went before Honorable Livingston Johnson, Common Pleas Court. While my case was still being presented before Judge Johnson, Attorney Grassel called me and stated that she would like to resolve this matter by sending me the names of the individuals that she was suppose to contact twenty-three months earlier. This was now October of 2005. I told Attorney Grassel if she would've done that twenty-three months ago we wouldn't be before Judge Johnson. She was supposed to try and get in touch with ten people. I only received eight names. These names weren't on Attorney Grassel's professional letterhead stationery. Attorney Grassel also signed her name on a blank piece of paper. There were also two names missing.

As far as I was concerned, this list didn't show any indication that I hired Attorney Grassel to do this investigation. From all appearances this list of names could have been drawn up by anybody.

I wrote to the Supreme Court Of Pennsylvania Disciplinary Board. I received a letter informing me that Attorney Grassel opted to be disbarred from the law profession and since Attorney Grassel chose to be disbarred, there was nothing that the Disciplinary Board could do for me. I made a trip to the Disciplinary Board and talked to Mr. David Kline. Mr. Kline simply confirmed what the letter spelled out to me, that Attorney Grassel could not be disciplined.

It's my opinion that for a justice system that does so much boasting about its American Constitutional Right, Bill Of Right, Federal Rights, States rights, Civil Rights, Individual Rights, plus all of the other rights that are suppose to be there for the American people and hopefully me too, I now find that I'm denied all of these rights.

I believe that I have a right to protect myself and if I'm willing to pay for an investigation to try and find out where this defamation of my character is coming from and to track down where these malicious acts are coming from, then I should have the right to

pursue this legal course of action and the legal system should support me all the way. As far as I'm concerned, this justice system is denying me the right to protect myself. I'm not having bad luck in finding an attorney, I'm being denied the right to an attorney and to have a fair and unbiased investigation done.

I'm entitled to have this investigation completed. I could understand the individuals not writing or calling Attorney Grassel back. I just wanted her to send me what each person had to say, if anything, if nobody calls Attorney Grassel back, then good and fine. However, I want this information on Attorney Grassel's professional letterhead legal paper.

I'm experiencing defamation and I know that if I did anything wrong I would have been dismissed immediately from Pruett Schaffer Chemical Co. This encounter with Magistrate Ivill took place in August of 1996. I worked at the chemical until November 1997. I had an excellent work record. I came back to the Duquesne Club in August of 1998, after being gone for two years. I don't believe Mr. Mal Rex (He's the gentleman who saw total operations at the club) would have hired me if I had committed some crime or even been accused of doing something wrong.

My whole life has been pretty much uneventful. However I did have a peculiar

incident take place and I really don't know whether it means anything at all but I would like to mention it.

In 1990 or '91, I believe. It's been so long ago that I'm not really sure about the exact time, but at any rate, apparently a young teenage girl was killed in close proximity to Pruett Schaffer Chemical plant, where I worked full time. The owner, Willie Coyle, told me that I was going to be contacted by a detective who wanted to ask me some questions about whether or not I might have seen or heard anything. I did get a call from a detective, he identified himself but I can't remember his name, it's been so long ago. He asked me if I saw anything or heard anything. I told him that I didn't know anything about the incident and that was it.

A couple of days later I asked Willie Coyle whether he heard anything more about the girl and he told me that the girl's boyfriend had been arrested for killing her. That was the extent of the incident. That's the only thing that happened in my life that I would consider to be out of the ordinary from my every day events.

From august of 1996, when I received a ticket for making an illegal left turn and going before Magistrate Ivill, I can say that I had four attorneys who were initially willing to

help me. The second time I called Attorney Richard DiBela, he told me to never call him again.

Attorney Marjorie Cris said that I was experiencing Megan's Law and she would represent me. I never could get a hold of her again. Attorney Rose Turzak told me to have my investigator Frank Malloy set up the appointment so that the three of us could get together. I got in touch with Attorney Turzak by payphone because all attempts to call her from my home were unsuccessful and when I was able to reach her, she said she didn't know me and that she didn't work for investigator Frank Malloy.

Attorney Grassel refused to complete the third part of my investigation and chose rather to go ahead and submit her law license for disbarment.

I also had two investigators who were willing to work for me but by the second phone call one of them simply told me that he didn't want to work for me. I sued the second investigator Mr. Frank Malloy. After ten years, I now find that I'm being denied an attorney. I was told by Judge Johnson that there were approximately eight thousand attorneys in the Pittsburgh area. I'm saying here and now that if there were eight million attorney, I still won't be able to get one.

I feel that I'm entitled to have the last part of my investigation completed. I feel that even if these individuals don't call my attorney back, at least an attempt would have been made to see whether or not they had anything to say. I would then have their response, if they did respond, on legal letterhead forms, drawn up by my attorney, showing that I have nothing to hide and I was simply exercising my right to protect my name and reputation. As long as I'm being denied this right, then as far as I'm concerned I have no rights. It isn't right and it isn't fair.

From everything that I've experienced from this justice system I can honestly say that it is my opinion that the whole justice system can be summed up as America's Mythical Justice System.

EXHIBIT #2
ROBIN L. GRASSEL LLC
ATTORNEY AT LAW
416 THORN STREET, SEWICKLEY PA, 15143
412 749 1279

Robin L. Grassel
David J. Hinkle

October 16, 2003

Anthony DeGenes
300 Van Wyck Avenue
Brentwood, Pa 15227

RE: Investigation

Dear Mr. DeGenes:

I am in receipt of your letter dated September 19, 2003 as well as your previous Pennsylvania Child Abuse History Clearances. With respect to your question regarding the Freedom Of Information Act, all information they may have regarding you has been disclosed. There are no other avenues that I know of for you to pursue.

I understand your interest in having a phone wire tap check. However, this is an area in which attorneys generally do not become

involved.
Should you have any questions please don't hesitate to contact my office.

Very truly yours,

Signed: Robin L. Grassel.

Just about the time Attorney Grassel was in the process of giving up her law practice, I was in the act of bringing action against her in the Court Of Common Pleas. She and I appeared before Honorable Livingston Johnson, Court Of Common Pleas, Allegheny County.

Judge Johnson admonished Attorney Grassel for bringing this case before him. Judge Johnson stated that the contractual agreement that she drew up at the time she took my case called for any disputes to go before the Allegheny County Bar Association.

My next course of action was to bring Attorney Grassel before the Special Fee DeterminationCommittee Of The Allegheny County Bar Association.

Attorneys James E. Mahood and Aaron Asher listened to my case. Attorney Grassel didn't show

up. I received a decision in my favor. A copy of that decision is enclosed and is marked as Exhibit #3.

EXHIBIT #3:

BEFORE THE SPECIAL FEE DETERMINATION COMMITTEE OF THE ALLEGHENY COUNTY BAR ASSOCIATION

Anthon DeGenes
Complainant
vs.
CASE NO 2005-061

Robin L. Grassel
Respondent

ARBITRATOR'S DECISION (Ex-parte)

IN FAVOR OF COMPLAINANT AND AGAINST RESPONDENT IN THE AMOUNT OF $455.

_____
James E. Mahood, Esquire
_____SIGNATURE_____
AARON Asher, Esquire
DATED: Monday, February 27, 2006 @ 9:30 am.

I prepared a copy of my legislation It's dated November 16, 2006. I numbered it as Exhibit #4. I originally sent Congressman Murphy my proposed legislation, which I numbered Exhibit #4. However, since I revised the proposed legislation and it was completely different, I had to number it as Exhibit #12.

EXHIBIT # 4 IS NOW EXHIBIT #12: REVISED COPY OF PROPOSED LEGISLATION

January 7, 2008

Addressing the question posed by Counselor Gennet concerning the creation of a new agency:

In my Complaint I initially proposed the establishment of a new agency that would be created for the purpose of conducting investigations or other legal matters that were expected to be completed by the attorney who was initially hired to do this work, but for some reason or other did not complete the work.

This is a revised copy of the original legislation that I was hoping to present to Congressman Murphy. In my revised copy I

propose that the Bar Association complete the investigation.

Since the Bar Association handles cases concerning the actions of attorneys and they have the determining say in granting a client a monetary award, they would be familiar with the particular cases that comes before them and in such cases the Bar would simply take up the task of trying to complete the case work for the attorney who was initially hired to do the work for the client, but for some reason or other, wasn't able to complete that work.

The Bar Association would simply have one of their secretaries make calls to those people who were supposed to be contacted by the original attorney but weren't and the secretary for the Bar would ask the individual to contact the Bar Association. If the individuals don't call back, then a letter from the Bar Association would be sent to them requesting that they contact the Bar. If after, say 30 days, the Bar doesn't hear from this individual, the Bar Association would then send a letter to the Client, stating that the Bar Association did everything possible in trying to get the named individuals to contact them but received no response.

This letter would be the Client's assurance that the Bar Association did everything possible for the them. The letter sent to the Client from the Bar Association would show that every legal avenue was utilized by the Bar Association in order to protect the client's name and reputation.

By having the Bar Association provide this service would only amount to a minimal cost to the Bar as well as the Claimant.

I believe this proposed legislation that I would like to have Congressman Murphy consider would be an invaluable means of providing a legal avenue for people like myself and many others who simply find themselves caught in a state of limbo because they can't find a way of getting their personal investigation completed.

Signed: Anthony A. DeGenes

On January 24, 2007, I received an email from Mr. Michael Baxter--email numbered Exhibit # 5--confirming that he did receive my proposed legislation, he thanked me, and he said he would get back to me.

EXHIBIT #5

From: "Baxter, Michael", Michael.Baxter@mail.house.gov
To: adegenes@verizon.net
Sent: Wednesday, January 24, 2007 2:56pm
Subject: Legislation

I did receive your message from John Savinda in our District Office. I am happy to receive your legislative ideas for review. Pls. Forward them to my email address listed above. As you know, it has been a very hectic schedule as we resume the 110th Congress but we look forward to receiving your thoughts and opinions. Tks.
Michael Baxter
Legislative Director
Office of Representative Tim Murphy (R-Pa)

I received an email from Mr. Baxter concerning my proposed legislation, which is numbered Exhibit #6, stating that Congressman Murphy doesn't get involved in personal matters. I was fully aware of that

EXHIBIT #6:
From: "Baxter, Michael"
Michael.Baxter@mail.house.gov
To: adegenes@verizon.net
Sent: Tuesday, February 20, 2007 9:21am
Subject: Your inquiry.

Mr. DeGenes:

We have received your inquiry. Your proposed legislation is unclear. If we are correct, it seems as if you are interested in guaranteeing legal representation: Your chronology of events, which you document, details internal disagreements among many local attorneys. As a congressional office, we do not typically get involved in individual personal legal disputes. As you know, Megan's Law is designed to provide information and notification to communities when sex offenders move into the neighborhood. Are you referencing the correct law: If you are listed on a public registry, this is from a conviction

and the system would seem to be the best route to resolve any challenges to prior convictions.

Michael Baxter
Legislative Director
Office of Representative Tim Murphy (R-Pa)

I then sent Mr. Baxter a fax, dated February 23, 2007, which included my response dated February 20, 2007. The fax and the response are marked as Exhibits #7. (The response is dated 2008, but that was a typing error). In Exhibit #7, I once again explained to Mr. Baxter what I want to set forth in my legislation. I also made it perfectly clear to Mr. Baxter that I wasn't looking to have Congressman Murphy represent me but rather to take into consideration the legislation that I wish to propose.

EXHIBIT #7:
From: Tony DeGenes
To: Michael Baxter
Date: 2/23/2007

February 20, 2008

Mr. Michael Baxter
Legislative Director

Office Of Representative
Congressman Tim Murphy
322 Cannon House Office Building
Washington, DC 20515

Mr. Baxter,

I do appreciate your email dated 2-20-07. It took longer than the 4 to 6 weeks that I was told it would take, but nevertheless, I do appreciate your response.

(1) Your first sentence states that my proposed legislation is unclear. Perhaps this is because it is now over 3 months and I still haven't heard from you. As I stated in my original letter of November 16, 2006. I've never proposed any legislation before and I wasn't quite sure as to how I should go about setting up the proper format. That's why I'm trying to contact you. I do think that if you would have taken the time to call me so that I could explain to you exactly what I had in mind, then this matter could have been ready to present to Congressman Murphy.

(2) Your third sentence indicates that I am interested in guaranteeing legal representation. I'm not asking you to

represent me. I know that's not your job. However, I am interested in proposing legislation that would establish another legal avenue for me to pursue, wherein, instead of awarding me a monetary award, as award for like services could be provided. That is what my legislation would do.

(3) This legal avenue could be implemented perhaps by the Bar Association or by the Court Of Common Pleas or perhaps some independent law firm. I'm not sure what legal body would be responsible for carrying out and guaranteeing the completion of these services. Perhaps a new department would have to be established.

(4) While I am using myself as an example of how services would and should be provided instead of monetary awards, I am not limiting these services to my particular situation. I am sure there are many situations wherein monetary compensation is not the final outcome people are looking for. I am looking to have my investigation completed. I believe I have the right to have that service performed. I also believe there are many individuals who, like myself, want results that are not monetary, therefore this would be a whole class of people who would benefit from this legislation, not

just me as an individual.

(5) You mention Megan's Law. If you would take another look at my website and also my letter, you will see that I point out to you that I had occasion to talk to Attorney Marjorie Cris. It was her legal opinion that I was experiencing Megan's Law.

(6) You asked me if I'm referencing the correct law. As I stated to you time and again, I don't know whether or not this is the correct law. I'm only conveying to you what Attorney Cris said to me.

(7) You mention that if my name appears on a public registry, then this would be as a result of a conviction. I told you more than once that I have never been involved in any criminal activity or even suspected of any criminal activity and I do NOT have a criminal record. My name does not appear on any public registry.

(8) You also seem to interpret my website and letter as though I'm experiencing 'internal disagreements among many local attorney.' This is not the case at all. I haven't had any disagreements with any attorney. You can see by the information that I sent to you, I point

out to you that I can't get an attorney. If that's the impression you got from what I said, then I apologize.

(9) I'm an individual who has the right to propose legislation. The legislation that I wish to have Congressman Murphy present is sound, convincing and would benefit me and I have to believe many others who find that they are being denied the right to protect themselves. They are being denied justice

(10) I want to point out that this a nation of laws and those laws are there to protect the American people. I happen to be one. And my legislation would serve as an added avenue for individuals to use in order to protect themselves.

(11) All laws governing the rights and freedoms of the American people are passed by the United States Senate and the United States Congress. I'm at the right place.

(12) The whole purpose of my legislation is to make sure I receive JUSTICE. This is what it is all about and this is what I'm looking for.

(13) I also want to point out to you that it

is next to impossible to talk this matter over with you, because you have never returned any of my phone calls.

(14) So, I'm just letting you know that I have not intention of letting this matter drop.

Anthony A. DeGenes
300 Van Wyck Avenue
Pittsburgh, Pa., 15227
412 884 6793
Adegenes@verizon.net

Mr. Baxter then stated that Congressman Murphy wanted to help me and that he (Mr. Baxter) was going to send me Privacy Release Forms. I numbered them Exhibit #8. He told me to put down the names of the individuals that I wanted contacted and that he would see to it that these individuals were contacted.

I filled the Privacy Release Forms out, naming Attorney Rose Turzak and Shirley Orman as the two individuals that I wanted contacted. I wanted Mr. Baxter to ask these individuals whether anybody ever contacted them concerning me. Mr. Baxter agreed to do that.

EXHIBIT NO. #8:

PRIVACY RELEASE FORM:
TIME MURPHY
U.S. Congressman for the 18th District of Pennsylvania

Dear Friend:

Thank you for your request that I contact a Federal Agency on your behalf for information or assistance. In order to access and disseminate personal information, written permission from the individual is required under the PRIVACY ACT OF 1974.

If the person whose file is involved will please sign the release form and return it to my district office by mail to 504 Washington Road, Pittsburgh, Pa. 15228, or by fax at (412) 429-5092. Congressman Murphy or any authorized member of his staff will make the appropriate inquires.
Name: Anthony A. DeGenes
Address: 300 Van Wyck Avenue
City: Pittsburgh, State, Pa. Zip Code: 15227
Phone: 412 884-6893
SS: 174 34 2481
Claim or ID number, N/A

Federal Agency involved, N/A
Problem or Assistance needed, "I want Attorney Rose Turzak contacted and asked if anybody contacted her concerning me. (412) 561 - 6949. I also want Shirley Orman contacted and asked if anybody contacted her concerning me. (412) 665 - 8123.

I specifically asked Mr. Baxter what was the next step was if these people didn't answer. Mr. Baxter then said to me, "This is now a Federal Investigation. If they don't call me back, then a letter will be sent to them stating that they have to answer this letter and their answer better be truthful." I couldn't thank him enough.

A few weeks had passed before Mr. John Savinda, the aide at Mr. Murphy's Mr. Lebanon office, was able to contact Attorney Rose Turzak. A copy of Mr. Savinda's email is numbered Exhibit #9. Attorney Turzak stated that she never heard of me. I can prove she is wrong.

EXHIBIT #9
ANTHONY DEGENES, Plaintiff, Pro se
From: "Savinda, John", John Savinda@mail.house.gov
To: adegenes@verizon.net
Sent: Tuesday, March 27, 2007, 9:40 am

Subject: Rose Turzak.
Contacted Rose Turzak and she said she never heard of the name and no one contacted her regarding the name.

Thanks,
John Savinda
Congressional Aide
Congressman Tim Murphy (Pa 18)
504 Washington Road
Pittsburgh, Pa 15228
(412) 344 - 5583

In my webpage I mention that I hired a private investigator, Mr. Frank Malloy. I explain to Mr. Malloy that I wanted him to contact certain individuals and he agreed to. I also mentioned to Mr. Frank Malloy that I was hoping to get an attorney to work along side of him. Mr. Malloy suggested that I call Attorney Rose Turzak.

I called Attorney Turzak and she agreed to represent me. I never heard from either Mr. Malloy or Attorney Turzak again.

I sued Mr. Malloy because he didn't complete the investigation and Attorney Turzak represented him at the time of trial. Enclosed is Exhibit #10, which is a letter from Attorney Turzak to me. This

letter shows that Attorney Turzak does know me.

EXHIBIT #10:

ROSE M. TURZAK, ESQ.
3754 Willow Avenue
Castle Shannon, Pa. L5234
(412) 561 - 6959
JANUARY 20, 2003

Anthony DeGenes
300 Van Wyck Avenue
Pittsburgh, Pa., 15227

Dear Mr. DeGenes:

Enclosed is Mr. Malloy's "Notice of intention to Appear" at the Arbitration hearing scheduled for March 11, 2003.

This is to put you on notice that Mr. Malloy does not wish to discuss this matter with you or want to have any communication of any kind with you. He request that should you feel the need to communication with him, for any reason, it must be done through my office.

Faithfully yours,

Rose M. Turzak, Esq.

Exhibit #11 simply confirms that Congressman Murphy was in the act of responding to my request to propose legislation.

EXHIBIT #11:
From: Murphy@mail.house.gov
To: adegenes@verizon.net
Sent: Tuesday, January 9. 2007, 5:27pm
Subject: Reply from Congressman Murphy

Thank you for emailing me with your questions and concerns; shortly you should receive a written response. While I review and respond to your inquiry, I invite you to visit my website at Murphy@mail.housegov. If you are interested in receiving my email newsletter describing important votes and key committee activity, please visit my website and sign up.

Congressman TIM MURPHY

Respectfully submitted

Anthony A. DeGenes